

REMARKS

In this application, claims 1-10, 12-21, 23-25, and 27-30 are currently pending. Independent claims 1, 10, 20, and 25 have been rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,907,324 to Larson et al. ("*Larson*") in view of U.S. Patent No. 6,438,111 to Catanzaro et al. ("*Catanzaro*"). With the exception of claim 30, the remaining dependant claims have been rejected under 35 U.S.C. § 103 as obvious over *Larson-Catanzaro* in view of various other references. Applicants submit that the pending claims are patentable over the cited art for the reasons set forth hereinafter, and accordingly request reconsideration and withdrawal of the pending rejections.

Please note that the Office has overlooked dependent claim 30 for the second consecutive Office action. Applicants respectfully request that claim 30 be examined and allowed.

Independent Claim 1

Pending claim 1 is patentable over the cited art and a *prima facie* case of obviousness has not been made in the Office action. Pending claim 1 has been reproduced below (emphasis added) and partitioned into three elements labeled (a)-(c) for the examiner's convenience.

A system comprising:

- (a) at least one server of a first type, each of the at least one servers of the first type disposed to manage data of a first type including maintaining at least one conference and a list of users;
- (b) a **server of a second type** disposed to manage data of a second type including **storing a list of the at least one servers of the first type** and excluding servers that do not maintain at least one conference from the list; and
- (c) a client to query **the server of the second type** to obtain the server list and to query each server on the server list to learn of the at least one conference maintained by each server.

The third legal requirement for a *prima facie* case is that "the prior art reference (or references when combined) must teach or suggest **all** the claim limitations." MPEP § 2143 at page 2100-122. The action does not meet this requirement with regard to at least elements (b) and (c) of claim 1 for at least the reasons set forth hereinafter.

The action contends that, “Catanzaro teaches maintaining a first type of servers disposed to manage data of a first type and a second type disposed to store a list of the first type.” This is a factually inaccurate reading of the *Catanzaro* reference. *Catanzaro* teaches multipoint servers that are connected to a connection router. When a user attempts to join a server maintaining a conference, a connection router is used to determine if the server is at its capacity. If the server is not full, then the user is connected to the desired conference on that server. If the server is full, then the connection router sequentially selects another server from a table of servers stored in its memory to join the conference. This process continues until a server from the table both successfully joins the conference and is below capacity. When both of these conditions occur, the user is connected to this particular server. If a server is not found that meets these criteria, then an error message is returned.

It is unclear whether the Office is viewing the connection router or the multipoint servers in *Catanzaro* as the second type server of pending claim 1. In either case, *Catanzaro* does not disclose a second type server as required by the claim. In *Catanzaro*, server information is stored in a table in the connection router, not in a second type server. A connection router is not a server. One of ordinary skill in the art will appreciate that a server and a router are different types of entities that perform different functions within a network. Typically, a server is a computer that at least manages access on a network for client computers connected to that server and enables interaction between its clients. In contrast, a router is an intermediary device that “routes traffic as a function of available system resources.” *Catanzaro*, col. 3, lines 25-28. For example, the routers and servers disclosed in *Catanzaro* are treated as completely distinct and separate devices. Therefore, the contention that these devices are the same is technically not accurate and, indeed, is inconsistent with the cited art.

Furthermore, the multipoint servers that are disclosed in *Catanzaro* cannot be considered second type servers as claimed in pending claim 1. *Catanzaro* discloses multipoint servers that either maintain at least one conference (i.e., a first type server) or do

not maintain any conferences. As set forth in the claim, a second type server is a server that maintains a list of first type servers. A multipoint server that contains a list of first type servers is not disclosed anywhere in the *Catanzaro* reference. Since neither a connection router nor the multipoint servers in *Catanzaro* can be considered second type servers, a second type server is not disclosed in *Catanzaro*. In addition, the action concedes that *Larson* does not disclose a second type server. Therefore, the *Larson-Catanzaro* combination does not teach or suggest elements (b) or (c) of pending claim 1 because both elements require a server of the second type.

Additionally, in light of the amendment to claim 1, the claim makes clear that the servers on the list maintained by the second type server are **servers of the first type**. Servers of the first type are defined in the claim and the specification to be servers that maintain at least one conference. Applicants' specification, page 11. The only table disclosed in *Catanzaro* that stores server information of any kind is the table on the connection router. This table contains information about **all of the servers** connected to that router regardless of whether the server maintains a conference or not. Thus, the table in *Catanzaro* is different from the list on the second type server in pending claim 1. This is not a minor distinction. Applicants' list on the second type server specifically excludes servers that do not maintain a conference. A list that only contains servers of the first type is much more efficient to search through when looking for servers that already maintain at least one conference. Time and resources are not wasted considering servers that do not maintain conferences when the list is adapted to exclude those servers. For this additional reason, the third requirement for a *prima facie* case of obviousness has not been met because the table disclosed in *Catanzaro* does not meet the requirements of elements (b) and (c).

Because the cited references contain no teaching pertaining to at least two of the expressly recited elements of claim 1 as discussed above, it is respectfully submitted that a *prima facie* case of obviousness has not, and cannot, be presented based on the *Larson-*

Catanzaro combination. It is accordingly requested that the rejection of claim 1 be reconsidered and withdrawn.

Moreover, applicants further contend that the first requirement for a *prima facie* case of obviousness is not presented with respect to the combination of *Larson* and *Catanzaro* because there is no suggestion or motivation in the art to combine these references. The first requirement for a *prima facie* case of obviousness is that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP § 2143 at page 2100-122. There is no suggestion or motivation to combine *Larson* and *Catanzaro*.

The Office contends that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated multiple server conference tracking as taught by *Catanzaro* into the conferencing system of *Larson* for the purpose of reducing network latency and improving system scalability.” The motivation provided by the Office is so general that it could be used to describe the benefits of *Larson* or *Catanzaro* individually without combining the two. Both references could be used individually to reduce network latency and improve system scalability. Why would a person of ordinary skill in the art be motivated to combine them if they are capable of operating independently to achieve the benefits put forth by the Office?

Moreover, since *Larson* relates to identifying in the first instance a conference to join whereas *Catanzaro* is directed to the distinct and subsequent step of actually joining a conference once all the pertinent information regarding the relevant conference is known, it is not seen why one of skill in the art would be motivated to apply techniques from *Catanzaro* within the system of *Larson*. Put another way, *Catanzaro* is not even directed to the general problem space of helping a user identify an appropriate conference to join. In light of this, the motivation cited by the Office action is not only unclear but also appears to be based on a misreading of the teachings of the references.

Therefore, applicants respectfully request clarification as to any suggestion or motivation to combine *Larson* and *Catanzaro*. More specifically, why would it have been obvious to a person with ordinary skill in the art to combine them, and how and for what specific purpose would a person with ordinary skill in the art combine these references?

Independent Claims 10, 20, and 25

Independent claims 10, 20, and 25 stand rejected for the same reasons as claim 1 based on the combination of the *Larson* and *Catanzaro* references. Applicants contend that the examiner has failed to establish a *prima facie* case of obviousness with respect to these claims for at least the same reasons set forth above for claim 1. Each of these claims teaches a second type server disposed to manage a list of first type servers. As explained above, (1) there is not a second type server in *Catanzaro*, (2) the table in *Catanzaro* manages a different type of server list than the claimed list of first type servers, and (3) there is no proper suggestion or motivation to combine the *Larson* and *Catanzaro* references. It is accordingly requested that the rejection of claims 10, 20, and 25 be reconsidered and withdrawn.

Dependant Claim 28

An amendment unrelated to patentability is made to dependant claim 28. This amendment merely corrects a non-substantive typographical omission from the claim by adding the word "by" to the sixth limitation of the claim. This amendment adds no new matter to the claim.

The Dependant Claims

The Office has not examined dependent claim 30 in the present action. Applicants respectfully request that claim 30 be examined and allowed.

Pending claims 2-9, 12-19, 21, 23, 24, and 27-29 are dependent claims, based on one of independent claims 1, 10, 20 or 25. Each of these dependent claims is patentable for at

least the same reasons, discussed above, that the respective base claim is patentable. Accordingly, reconsideration and withdrawal of the rejections on that basis is requested. Moreover, the dependent claims recite additional limitations that further distinguish the claims from the art.

For example, as to claims 2, 3, 7, 15, 17, 21, and 27, the *Larson-Catanzaro-Meubus* combination is used as a basis for rejection, but *Larson* is the only reference cited. What does *Meubus* add to this combination? More specifically, regarding claim 7, the action states that user lists are maintained with conference objects, but claim 7 also teaches an independent user object separate from the conference object. Similarly, claim 17 contains a method involving a user object, not a conference object. The Office has not cited a user object in this combination of references. Furthermore, regarding claim 15, the cited text in *Larson* does not correspond to the element of this claim. The cited user list is not the same as the claim element, "calling by the second client of the first client."

As another example, as to claims 6, 8, 23, 24, and 28, the *Larson-Catanzaro-Meubus-Lister-Kumar-DeSimone* combination is used as a basis of rejection. The action generally states that this combination "teaches security features for authenticating users." Each of these claims contain at least two elements and as many as six elements notwithstanding the claims upon which they depend. Applicants respectfully request further explanation on how each claim element is specifically met by the combination of references cited.

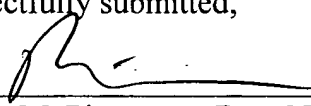
In re Appln. of Byrisetty et al.
Serial No. 09/157,697

CONCLUSION

The application is considered to be in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue.

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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